

EXECUTIVE SUMMARY

THE TRANSPORT STATUTE BOOK OF GUYANA

Sea and River • Road • Rail • Air

A Comprehensive Statutory and Regulatory Analysis

ROBERT C. MILLINGTON

Retired Naval Officer, United States Navy, Former Licensed United States Coast Guard Merchant Marine Deck Officer (Unlimited Tonnage) and Former First Class Ship Pilot (Unlimited Tonnage). Lean Six Sigma Black Belt. Bachelor of Science, Marine Transportation, State University of New York Maritime College at Fort Schuyler. Thirty-nine years in the military, maritime and logistics sectors.

3 August 2026

robert@caciquelogistics.com | +1 954 882 5036

Notices

The author is not admitted to practise law in Guyana and gives no legal advice. Every proposition of Guyanese law stated here is a matter for Guyanese counsel.

Nothing in this summary is a finding, allegation or implication as to the cause of the loss of the MV Barima, as to fault, as to seaworthiness or as to whether the vessel was overloaded. Criminal proceedings are on foot and every person charged or named is entitled to the presumption of innocence.

Every statutory text summarised here has been read in the authorised Laws of Guyana published by the Ministry of Legal Affairs. This summary rests on the L.R.O. 1/2012 edition. The 2022 Revised Edition was presented to the National Assembly on 19 June 2026, and every citation should be checked against it.

This summary condenses a document of fifty-five pages. Where it states a conclusion, the supporting provision and its verbatim text are in the full analysis.

The Question

Guyana's transport law is distributed across some thirty chapters of the Laws of Guyana, enacted between 1864 and 2010, together with free-standing modern legislation that has never been consolidated into the chapter series. The full analysis maps all of it across four modes of carriage and asks one question of each:

What does the law actually require of a vessel, a vehicle, a train or an aircraft — and of the person who operates it?

The answer is not that Guyana lacks transport law. It is that the four modes have been regulated at radically different rates, and that the mode carrying the largest number of people at once is the one governed by the oldest instruments and reached by the fewest of them.

The Central Finding

The regulatory effort of the Guyanese State has tracked the number of passengers per vehicle, not the number of passengers per mode.

Aviation was comprehensively re-regulated between 2018 and 2026. It has a modern principal Act, a complete subsidiary code dated 2024 to 2026, an independent regulator operating since 2002, a dedicated accident investigation function, and a documented search and rescue system built on ICAO Annex 12 and the international IAMSAR manual, with a coordination centre, phased emergency triggers measured in minutes, and mandatory exercises.

Road law has limited driver fatigue since 1940, compelled third-party insurance since 1938, prescribed a numerical alcohol limit with roadside testing and evidential analysis, operated a demerit points system since 2014, and carries a standing power to uprate its own penalties.

The maritime mode has none of these. Its principal safety instruments were made in 1896, 1918, 1924 and 1939. Its casualty investigation Act of 1883 does not reach the State's own vessels and still directs reports to the Board of Trade of the United Kingdom. Its operating rule-book is that of a railway abolished more than fifty years ago. The modern Act of 1998 contains the powers that would remedy almost all of it, and those powers have not been exercised.

Region One is reached by two modes and no road. The mode that carries thirteen people at a time is governed by instruments dated 2024 to 2026. The mode that carries several hundred at a time, to the same destinations, is governed by instruments dated 1896 to 1939.

Ten Findings

1. The State-vessel exemption rests on a 1939 regulation, not on the modern Act. The Guyana Shipping Act excludes only "Guyana Government ships operated for non-commercial purposes." A vessel carrying fare-paying passengers on a schedule is not such a ship. The blanket exemption in practice comes from regulation 6(2)(a) of the Harbours Regulations 1939, which exempts "vessels belonging to the State" on ownership alone. Two statutes administered within one Ministry apply two different tests and nothing reconciles them.
2. Where the road mode exempts a State asset, it substitutes machinery. Where the maritime mode exempts one, it substitutes nothing. A State road vehicle exempt from compulsory insurance must still hold a Certificate of Ownership producible to police, be entered on a register of uninsured vehicles, and that register must be furnished to the Commissioner of Police on demand. A State vessel exempt from the Certificate of Seaworthiness has no substitute certificate, no register and no duty of production. This is the same legislative technique applied to two modes and completed in only one.
3. The powers to fix capacity and to require a manifest have existed since 1998 and have never been exercised. Section 398 of the Guyana Shipping Act empowers the Minister to require particulars of all passengers and to regulate the number a ship may carry, whether or not she is a passenger ship. No instrument made under it has been identified.
4. In their place stand eight incompatible capacity rules enacted between 1864 and 1939. They produce different answers and no provision states which governs. The ceiling — one statute adult per ton of registered tonnage — rests on a term the Act does not define.
5. A second, independent route into the survey regime was open. Section 33 of the Tax Act requires an annual licence for any vessel of twenty-five feet or over in coastal or river trade, with no State exemption, although the same Act expressly exempts Government carts, Government animals and Government steam boilers. No such licence may issue without a survey certificate dated within the preceding twelve months, and the certified number of persons must be painted on the vessel.
6. There is no fatigue standard for seafarers, although there has been one for lorry and bus drivers since 1940. Section 42 of the Motor Vehicles and Road Traffic Act limits a driver to five and a half hours continuous, eleven hours in twenty-four, and ten consecutive hours of rest, counts loading as driving time, and binds the employer. No hours-of-duty, rest or watchkeeping provision applicable to a vessel has been identified anywhere in the maritime statute book.
7. There is no alcohol limit, no testing power and no offence of causing death by reckless navigation at sea. Road law prescribes thirty-five microgrammes per hundred millilitres of breath, a roadside test, an evidential two-specimen analysis, arrest without warrant, permanent disqualification on a third conviction, and ten years' imprisonment for causing death by dangerous driving. At sea, intoxication is an offence only for pilots, only on an observed standard, under regulations made in 1924.
8. The casualty investigation Act excludes State ships. Section 3 of the Shipping Casualties Act 1883 provides that Part I does not apply to a ship belonging to or in the service of the State.

That is why the Commission of Inquiry rests on the Commissions of Inquiry Act 1933 and not on the maritime machinery. The 1933 Act gives commissioners the powers of a High Court judge — but section 12(3) gives a witness a privilege to refuse, not immunity from the use of his evidence elsewhere, and nothing in the Act requires the report to be published.

9. The maritime search and rescue provision is a single 1924 regulation. It directs the Harbour Master, on information being received that a vessel is in distress on the coast, to send her a competent pilot. There is no defined region, no phases, no time triggers, no coordination centre in law and no exercise requirement. The power to provide for maritime search and rescue exists at section 452(e) of the 1998 Act and is unexercised. A Guyana National SAR Plan and National SAR Committee are referred to as operative in the aeronautical plan, with MARAD as a signatory member — but no maritime arm of either has been located in the statute book.
10. The consolidated Laws of Guyana are not a complete statement of the law in any mode. Five chapters state that they contain no subsidiary legislation and then record that it has been omitted from the publication. In the Roads Act the Schedule of public roads, on which the definition of "road" and every road traffic offence depends, is itself omitted. Two maritime Acts of 2025 appear in no maritime chapter at all.

The Comparison in One Table

	SEA / RIVER	ROAD	AIR
Principal Act	Ten chapters, 1864–1998	1910 and 1940, 38 amendments to 2014	2018, amended 2024
Latest subsidiary code	1896–1939	Revised, omitted from the print	2024–2026
Regulator	Operator and regulator not separated	The Minister as Licensing Authority	Independent since 2002
Fitness certificate	1939; State vessels exempt	State exempt from the fee only	Airworthiness Regs 2024
Hours of duty	None	5½ hours continuous; 11 in 24; 10 hours' rest	Flight time limitations
Alcohol	Pilots only; no testing power	35 µg/100ml; test; arrest	Regulated
Causing death	No offence	Ten years on indictment	Accident Regs 2024
Compulsory insurance	Power never exercised	Dedicated Act; contracting out void	—
Accident investigation	1883; excludes State ships	Police; Coroners Act	Dedicated unit; Regs 2024
Search and rescue	1924 — send a pilot	—	Act Part X; RCC; phased triggers

What Can Be Done, and How Quickly

The full analysis grades six reform routes by the parliamentary control each requires. Three are available immediately.

Immediately — no parliamentary step at all

- Delete the words "vessels belonging to the State" from regulation 6(2)(a) of the Harbours Regulations. This requires a regulation by the General Manager with the Minister's approval. It is the single highest-value step available in the whole statute book. If the exemption is to be retained, impose upon it the register-and-produce machinery that already applies to State road vehicles.
- Make by-laws under section 3 of the Government and Contract Steamer (Traffic) Act. The Minister acts alone, and a gazetted by-law has the force of an Act.

Negative resolution

- Regulate under section 4 of the Government Wharves Act the manner in which passengers land and embark, the safety of the structure, and the safety of persons and vessels using government wharves. Add Mabaruma and Port Kaituma to the Schedule by Gazette notice.

Ministerial regulations under the Guyana Shipping Act

- Sections 251, 290, 298, 302, 316 and 398 are together sufficient to carry a complete domestic passenger vessel safety code: general safety, stability, local safety certificates, load lines, deck cargo, passenger particulars, capacity and terms of carriage.

Nine measures achievable by regulation without waiting for any inquiry

A single binding maximum number of persons per vessel, displayed and reconciled between departments; a duty of passenger accounting with a named officer, a physical count reconciled against tickets, and a signed manifest lodged ashore and preserved; a prohibition on departure where persons exceed lifejackets or survival craft capacity; a cargo securing and stowage requirement; a fitness-for-duty regime with a testing power; an hours-of-duty and rest regime modelled on section 42 of the road Act; a pre-departure passenger briefing and crew drill requirement with records; a written authority to sail signed by a named officer; and a register of every vessel exempted from any survey or certification requirement.

Requiring primary legislation

Separation of operator and regulator; repeal and replacement of the 1883 casualty Act; a statutory maritime search and rescue authority; an offences-by-bodies-corporate provision; a penalty-uprating mechanism; witness protection including use immunity; an offence of causing death by reckless navigation; compulsory passenger liability cover; and removal of the exclusion of Amerindians from section 33 of the Tax Act.

What the Full Analysis Contains

Section	Contents
Glossary	Forty-five terms defined across measurement and capacity, stability, certification and survey, operations, search and rescue, and statutory interpretation
Part I	The complete map of the transport statute book across all four modes, with every chapter, principal Act and edition
Part II	Sea and river chapter by chapter, with verbatim provisions from Caps. 49:01, 49:02, 49:03, 49:04, 49:05, 49:06, 49:07, 50:01, 48:01, 63:01 and 80:01 s. 33
Part III	The ten capacity rules, and why gross tonnage is not a capacity measure
Part IV	Road, with s. 42 hours of duty, s. 34(6) schedule pressure, the alcohol regime, certificates of fitness, and Cap. 51:03 in detail
Part V	Rail, and the 1924 rule-book the maritime mode inherited from it
Part VI	Air, with the Aeronautical Search and Rescue Plan analysed in full
Part VII	Cross-cutting chapters, including the Commissions of Inquiry Act
Part VIII	A sixteen-row comparison of the four modes
Part IX	A fifty-two item deficiency schedule with category, provision and severity
Part X	Thirty documents, each keyed to the provision that requires it to exist
Part XI	Six reform routes graded by parliamentary control; nine interim measures; nine primary-legislation items
Part XII	Twenty questions, each answerable from documents

Every instrument described in the full analysis was consolidated into the 2022 Revised Edition of the Laws of Guyana, laid before the National Assembly on 19 June 2026 — twenty-nine days before the loss of the MV Barima.

Nothing in this analysis establishes what caused that loss. What it establishes is what law there was, and that is the necessary first step in deciding what law there ought to be.

ROBERT C. MILLINGTON

Retired Naval Officer, United States Navy, Former Licensed United States Coast Guard Merchant Marine Deck Officer (Unlimited Tonnage) and Former First Class Ship Pilot (Unlimited Tonnage). Lean Six Sigma Black Belt. Bachelor of Science, Marine Transportation, State University of New York Maritime College at Fort Schuyler. Thirty-nine years in the military, maritime and logistics sectors.

3 August 2026